~~1942.~~

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File No. O. Prev. Proc. /42

Legal DEPARTMENT

A BRANCH

Subject:—

Opinions under the Bombay Prevention Prostitution Act, 1923

P-3

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Std. Sectt. Slip 24 B e.

229-A.

C O N T E N T S.

Legal Department File No. O. Prev. Pros/42

Sr. No.	Compilation No.	Subject	Pages
1.	O.No. 1484 dt. 18-2-42	B'bay Prevention of Prostitution. Act, 1923-Sec. 5(1) whether the discription of the place would be satisfactory Compliance with the provisions of sub-sec(1) of Sec.9 of this Act.	1-2

S.A.I.

26-4

Submitted.

In para. 1 of his opinion No. 7837, dated the 26th Oct. 1938, the R.L.A had advised that in a direction issued by the Commr. of Police, Bombay , under the second alternative in sub-sec. (1) of sec. 9 of the Bombay Prevention of Prostitution Act , 1923, the time, route and place must be prescribed. It seems in conveying sanction of the Provl Govt. under sub-sec. (3) of that section it is the practice of H.D. to prescribe the place as a place outside the city of Bombay but in the province of Bombay. The question for the consideration of the R.L.A. is whether this description of the place would be sufficient compliance with the provisions of sub-sec. (1) of sec. 9 of the Act.

2- Under the second alternative in sub-sec.(1) of sec. 9 of the Bombay Prevention of Prostitution Act, 1923, the Commr . of Police, Bombay, can direct a person to remove himself to such place, whether within or without the city of Bombay , as the commr. shall prescribe. In his opinion No, 7837, dated the 26th Oct. 1938, the R.L.A. had advised that the place where a person is required to remove himself is required to be prescribed in the direction and the said place must be one within the Province of Bombay. As pointed out however by the Dy. Secy. H.D. , "any place outside the City of Bombay but in the province of Bombay" would not be a proper description of the place required to be prescribed. The place to which a person or a woman is required to remove himself or herself will have to be specifically

S.A.K.
26-4

mentioned in the notice issued under s. 9(1) of the Bombay Prevention ~~of~~ of ~~prostitution~~ prostitution Act, 1923

The view expressed by Dy. Secy. H.D. at p.2 ante is correct.

Xd/ - D.W.D.

27-~~1-42~~ 42

S.A.S. I agree.

The place, time & route to ~~the~~ be prescribed by an order under s 9(1) of the Bombay Prevention of Prostitution Act, 1923 ~~should~~ should be definite . The view expressed by the D.S.H.D. at p. 2 ante is correct.

Xd/- R.T.K

28-1

D.S.

Section 9(3) of ~~De~~ the Bombay prevention of prostitution Act, 1923, provides ~~Dat De~~ that the direction under ~~De~~ the second alternative is subsection (1) shall require ~~De~~ the previous sanction of ~~De~~ the Provt. Govt. The direction under sec. 9(1) must prescribe ~~De~~ the place, route or routes and ~~De~~ the time etc. The sanction under sec. 9(3) must relate to ~~De~~ the partienlar direction proposed under sec. 9(1) and consequently ought to be ~~xxx~~ equally specific is respect of ~~De~~ the place, route etc. The view expressed by D.S.H.D. in his note at p. 2. ante is correct.

Xd/-

3-2-42

R.L.A. P.N.M.

14-2

S.A.K.

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